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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,708	10/07/2005	Thomas Chyla	2003P04859	6809
24131	7590	12/31/2008		
LERNER GREENBERG STEMER LLP			EXAMINER	
P O BOX 2480			PILKINGTON, JAMES	
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			3656	
MAIL DATE		DELIVERY MODE		
12/31/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/552,708

**Applicant(s)**

CHYLA ET AL.

**Examiner**

JAMES PILKINGTON

**Art Unit**

3656

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 10/07/05.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

2. Claim 2 is objected to because of the following informalities: line 2 reads "situated at right angles" and should be - - situated at a right angle- -. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re clm 1, the phrase "can be" in lines 4-5 renders the claim indefinite since it is not clear if the adjustable stop is required to anticipate the claim.

Re clm 5, the phrase "in case of" in line 2 renders the claim indefinite since it is not clear if a projection is required in the claims. If there is no projection is an acute angle required?

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Thomas, USP 5,860,318.

Thomas discloses a deflection lever (24) comprising an adjusting device (18/22), the deflection lever (24) having a recess (34) which is penetrated by the adjusting device (18/22) in a rotationally movable manner and the adjusting device (18/22)

configured to be connected in an angularly rigid manner to a shaft (pivot center of 18) and the adjusting device (24) having a lever arm (28).

7. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Dulger, USP 4,235,130.

Dulger discloses a deflection lever (slotted link 1) comprising an adjusting device (36/37/38/40), the deflection lever (slotted link 1) having a recess (1) which is penetrated by the adjusting device (shaft in 36) in a rotationally movable manner and the adjusting device (36/37/38/40) configured to be connected in an angularly rigid manner to a shaft (shaft in 36) and the adjusting device (36/37/38/40) having a lever arm (portion of 36 in contact with 37).

8. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Bennett, USP 2,972,894.

Bennett discloses a deflection lever (41) comprising an adjusting device (47/48/50/51/53), the deflection lever (41) having a recess (41a) which is penetrated by the adjusting device (47/48/50/51/53) in a rotationally movable manner and the adjusting device (47/48/50/51/53) configured to be connected in an angularly rigid manner to a shaft (51) and the adjusting device (24) having a lever arm (53).

9. Claims 1-6, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Saalfrank, USP 2,841,991.

Saalfrank discloses a deflection lever (12) comprising an adjusting device (14-24), the deflection lever (12) having a recess (between forked end of 12) which is penetrated by the adjusting device (14-24) in a rotationally movable manner and the adjusting device (14-24) configured to be connected in an angularly rigid manner to a shaft (19) and the adjusting device (14-24) having a lever arm (14) secured to an adjustable stop (21), wherein the stop is displaceable along an axis (20) situated at right angles to the rotation axis of the shaft (19), wherein the stop is formed by a groove (inside 23, space where shaft extends), wherein in the groove a sliding block (21 is the block) is guided to which the lever arm (14) is connected, wherein the adjusting device is a sleeve (14 is a sleeve) .

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/  
Examiner, Art Unit 3656  
12/29/08

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656